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AMENDED IN ASSEMBLY JUNE 24, 2002
AMENDED IN SENATE JUNE 5, 2002
AMENDED IN SENATE MAY 20, 2002
AMENDED IN SENATE APRIL 30, 2002
AMENDED IN SENATE APRIL 8, 2002

SENATE BILL

No. 1468

**Introduced by Senator Knight
(Coauthor: Senator Alpert)**

February 19, 2002

An act to amend Sections 65040.2, 65302, 65302.3, 65560, ~~65583,~~
~~and 65584~~ and 65583 of, and to add Section 65040.9 to, the
Government Code, and to amend Section 21675 of the Public Utilities
Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1468, as amended, Knight. General plans: military facilities.

(1) The Planning and Zoning Law requires that a city or county
general plan consist of various elements, including, among other things,
land use, circulation, housing, open space, and conservation elements,
which are required to meet specified requirements.

This bill would require the land use element to consider the impact
of new growth on military readiness activities carried out on military
bases, installations, and operating and training areas, when proposing

zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or underlying designated military aviation routes and airspace. The bill would, with respect to the open-space element, define open-space land to include areas adjacent to military installations, military training routes, and restricted airspace.

The bill would also require the circulation element to consist of the general location and extent of existing and proposed military airports and ports. The bill would also provide that a city or county is not required to comply with these provisions until a specified agreement is entered into between the federal government and the state to fully reimburse all claims approved by the Commission on State Mandates and paid by the Controller that cities and counties would be eligible to file as a result of the enactment of this bill and until the city's or county's next general plan revision. It would make these provisions inoperative on the January 1 following the date that this agreement is terminated.

By increasing the duties of local agency officials, the bill would impose a state-mandated local program.

(2) Existing law establishes the Governor's Office of Planning and Research as the comprehensive state planning agency, responsible for long-range planning with responsibilities to, among other things, provide planning assistance to city and county planning agencies. The office is required to develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the office, on or before January 1, 2004, if sufficient federal funds become available, to prepare and publish an advisory planning handbook for local officials, planners, and builders, and to develop and adopt guidelines that, among other things, explain how to reduce land use conflicts between the effects of civilian development and military readiness activities carried out on specified military installations and areas.

~~(3) Existing law requires a city or county to include a housing element in its general plan, and, for that purpose, prescribes criteria for determining the share of a city or county of the regional housing needs, including a requirement that the distribution of regional housing needs take into account, among other things, population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans.~~



~~This bill would require the Department of Finance to seek data from military installations on noninstallation housing demand for active-duty members of the Armed Forces and to incorporate this demand into the department's projections, as specified.~~

~~(4)~~ Existing law requires the California Public Utilities Commission to formulate a comprehensive land use plan that provides, among other things, for the orderly growth of public airports and the area surrounding the airport that is within the jurisdiction of the commission. The plan may include the area within the jurisdiction of the commission surrounding any federal military airport.

This bill instead would require that the area within the jurisdiction of the commission surrounding any military airport be included in the plan, and would require that the plan be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. The bill would also require that a county's general plan and any applicable specific plan be consistent with these safety and noise standards in each county where an airport land use commission does not exist, but where there is a military airport.

~~(5)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) California contains an integrated system of military
- 4 installations and special use airspace, connected by low-level
- 5 flight corridors, that provides a key foundation for our nation's



1 security. This integrated system provides for the training of
2 military personnel, as well as the research, development, testing,
3 and evaluation of military hardware.

4 (2) The military is a key component of California's economy
5 comprising direct economic expenditures of over
6 \$29,800,000,000 each year, making the military larger than other
7 economic sectors of the state, including agriculture, and the
8 military represented over 263,000 working adults in the 2000–01
9 fiscal year.

10 (3) The federal Department of Defense's research,
11 development, test, and evaluation programs, which included
12 \$3,900,000,000 in direct 2000–01 fiscal year contracts in
13 California, make an important contribution to maintaining the
14 state's lead in technology development.

15 (b) The Legislature therefore finds that the protection of this
16 integrated system of military installations and special use airspace
17 is in the public interest.

18 SEC. 1.5. Section 65040.2 of the Government Code is
19 amended to read:

20 65040.2. (a) In connection with its responsibilities under
21 subdivision (l) of Section 65040, the office shall develop and adopt
22 guidelines for the preparation and content of the mandatory
23 elements required in city and county general plans by Article 5
24 (commencing with Section 65300) of Chapter 3. For purposes of
25 this section, the guidelines prepared pursuant to Section 50459 of
26 the Health and Safety Code shall be the guidelines for the housing
27 element required by Section 65302. In the event that additional
28 elements are hereafter required in city and county general plans by
29 Article 5 (commencing with Section 65300) of Chapter 3, the
30 office shall adopt guidelines for those elements within six months
31 of the effective date of the legislation requiring those additional
32 elements.

33 (b) The office may request from each state department and
34 agency, as it deems appropriate, and the department or agency
35 shall provide, technical assistance in readopting, amending, or
36 repealing the guidelines.

37 (c) The guidelines shall be advisory to each city and county in
38 order to provide assistance in preparing and maintaining their
39 respective general plans.



1 (d) The guidelines shall contain the guidelines for addressing
2 environmental justice matters developed pursuant to Section
3 65040.12.

4 (e) The guidelines shall contain advice including
5 recommendations for best practices to allow for collaborative land
6 use planning of adjacent civilian and military lands and facilities.
7 The guidelines shall encourage enhanced land use compatibility
8 between civilian lands and any adjacent or nearby military
9 facilities through the examination of potential impacts upon one
10 another.

11 (f) The guidelines shall contain advice for addressing the
12 effects of civilian development on military readiness activities
13 carried out on all of the following:

- 14 (1) Military installations.
- 15 (2) Military operating areas.
- 16 (3) Military training areas.
- 17 (4) Military training routes.
- 18 (5) Military airspace.
- 19 (6) Other territory adjacent to those installations and areas.

20 (g) The office shall provide for regular review and revision of
21 the guidelines established pursuant to this section.

22 SEC. 2. Section 65040.9 is added to the Government Code, to
23 read:

24 65040.9. (a) On or before January 1, 2004, the Office of
25 Planning and Research shall, if sufficient federal funds become
26 available for this purpose, prepare and publish an advisory
27 planning handbook for use by local officials, planners, and
28 builders that explains how to reduce land use conflicts between the
29 effects of civilian development and military readiness activities
30 carried out on military installations, military operating areas,
31 military training areas, military training routes, and military
32 airspace, and other territory adjacent to those installations and
33 areas.

34 (b) At a minimum, the advisory planning handbook shall
35 include advice regarding all of the following:

- 36 (1) The collection and preparation of data and analysis.
- 37 (2) The preparation and adoption of goals, policies, and
38 standards.
- 39 (3) The adoption and monitoring of feasible implementation
40 measures.



1 (4) Methods to resolve conflicts between civilian and military
2 land uses and activities.

3 (5) Recommendations for cities and counties to provide drafts
4 of general plan and zoning changes that may directly impact
5 military facilities, and opportunities to consult with the military
6 base personnel prior to approving development adjacent to
7 military facilities.

8 (c) In preparing the advisory planning handbook, the office
9 shall collaborate with the Office of Military Base Retention and
10 Reuse within the Trade, Technology, and Commerce Agency. The
11 office shall consult with persons and organizations with
12 knowledge and experience in land use issues affecting military
13 installations and activities.

14 (d) The office may accept and expend any grants and gifts from
15 any source, public or private, for the purposes of this section.

16 SEC. 3. Section 65302 of the Government Code is amended
17 to read:

18 65302. The general plan shall consist of a statement of
19 development policies and shall include a diagram or diagrams and
20 text setting forth objectives, principles, standards, and plan
21 proposals. The plan shall include the following elements:

22 (a) A land use element that designates the proposed general
23 distribution and general location and extent of the uses of the land
24 for housing, business, industry, open space, including agriculture,
25 natural resources, recreation, and enjoyment of scenic beauty,
26 education, public buildings and grounds, solid and liquid waste
27 disposal facilities, and other categories of public and private uses
28 of land. The land use element shall include a statement of the
29 standards of population density and building intensity
30 recommended for the various districts and other territory covered
31 by the plan. The land use element shall identify areas covered by
32 the plan which are subject to flooding and shall be reviewed
33 annually with respect to those areas. The land use element shall
34 also do both of the following:

35 (1) Designate in a land use category that provides for timber
36 production those parcels of real property zoned for timberland
37 production pursuant to the California Timberland Productivity
38 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
39 Part 1 of Division 1 of Title 5.



1 (2) Consider the impact of new growth on military readiness
2 activities carried out on military bases, installations, and operating
3 and training areas, when proposing zoning ordinances or
4 designating land uses covered by the general plan for land, or other
5 territory adjacent to military facilities, or underlying designated
6 military aviation routes and airspace.

7 (A) In determining the impact of new growth on military
8 readiness activities, information provided by military facilities
9 shall be considered. Cities and counties shall address military
10 impacts based on information that the military provides.

11 (B) The following definitions govern this paragraph:

12 (i) “Military readiness activities” mean all of the following:

13 (I) Training, support, and operations that prepare the men and
14 women of the military for combat.

15 (II) Operation, maintenance, and security of any military
16 installation.

17 (III) Testing of military equipment, vehicles, weapons, and
18 sensors for proper operation or suitability for combat use.

19 (ii) “Military installation” means a base, camp, post, station,
20 yard, center, homeport facility for any ship, or other activity under
21 the jurisdiction of the United States Department of Defense as
22 defined in paragraph (1) of subsection (e) of Section 2687 of Title
23 10 of the United States Code.

24 (b) A circulation element consisting of the general location and
25 extent of existing and proposed major thoroughfares,
26 transportation routes, terminals, any military airports and ports,
27 and other local public utilities and facilities, all correlated with the
28 land use element of the plan.

29 (c) A housing element as provided in Article 10.6
30 (commencing with Section 65580).

31 (d) A conservation element for the conservation, development,
32 and utilization of natural resources including water and its
33 hydraulic force, forests, soils, rivers and other waters, harbors,
34 fisheries, wildlife, minerals, and other natural resources. The
35 conservation element shall consider the effect of development
36 within the jurisdiction, as described in the land use element, on
37 natural resources located on public lands, including military
38 installations. That portion of the conservation element including
39 waters shall be developed in coordination with any countywide
40 water agency and with all district and city agencies that have



1 developed, served, controlled or conserved water for any purpose
2 for the county or city for which the plan is prepared. Coordination
3 shall include the discussion and evaluation of any water supply and
4 demand information described in Section 65352.5, if that
5 information has been submitted by the water agency to the city or
6 county. The conservation element may also cover the following:

7 (1) The reclamation of land and waters.

8 (2) Prevention and control of the pollution of streams and other
9 waters.

10 (3) Regulation of the use of land in stream channels and other
11 areas required for the accomplishment of the conservation plan.

12 (4) Prevention, control, and correction of the erosion of soils,
13 beaches, and shores.

14 (5) Protection of watersheds.

15 (6) The location, quantity and quality of the rock, sand and
16 gravel resources.

17 (7) Flood control.

18 The conservation element shall be prepared and adopted no later
19 than December 31, 1973.

20 (e) An open-space element as provided in Article 10.5
21 (commencing with Section 65560).

22 (f) A noise element which shall identify and appraise noise
23 problems in the community. The noise element shall recognize the
24 guidelines established by the Office of Noise Control in the State
25 Department of Health Services and shall analyze and quantify, to
26 the extent practicable, as determined by the legislative body,
27 current and projected noise levels for all of the following sources:

28 (1) Highways and freeways.

29 (2) Primary arterials and major local streets.

30 (3) Passenger and freight on-line railroad operations and
31 ground rapid transit systems.

32 (4) Commercial, general aviation, heliport, helistop, and
33 military airport operations, aircraft overflights, jet engine test
34 stands, and all other ground facilities and maintenance functions
35 related to airport operation.

36 (5) Local industrial plants, including, but not limited to,
37 railroad classification yards.

38 (6) Other ground stationary noise sources, including, but not
39 limited to, military installations, identified by local agencies as
40 contributing to the community noise environment.



1 Noise contours shall be shown for all of these sources and stated
2 in terms of community noise equivalent level (CNEL) or day-night
3 average level (L_{dn}). The noise contours shall be prepared on the
4 basis of noise monitoring or following generally accepted noise
5 modeling techniques for the various sources identified in
6 paragraphs (1) to (6), inclusive.

7 The noise contours shall be used as a guide for establishing a
8 pattern of land uses in the land use element that minimizes the
9 exposure of community residents to excessive noise.

10 The noise element shall include implementation measures and
11 possible solutions that address existing and foreseeable noise
12 problems, if any. The adopted noise element shall serve as a
13 guideline for compliance with the state's noise insulation
14 standards.

15 (g) A safety element for the protection of the community from
16 any unreasonable risks associated with the effects of seismically
17 induced surface rupture, ground shaking, ground failure, tsunami,
18 seiche, and dam failure; slope instability leading to mudslides and
19 landslides; subsidence, liquefaction and other seismic hazards
20 identified pursuant to Chapter 7.8 (commencing with Section
21 2690) of the Public Resources Code, and other geologic hazards
22 known to the legislative body; flooding; and wild land and urban
23 fires. The safety element shall include mapping of known seismic
24 and other geologic hazards. It shall also address evacuation routes,
25 military installations, peakload water supply requirements, and
26 minimum road widths and clearances around structures, as those
27 items relate to identified fire and geologic hazards. Prior to the
28 periodic review of its general plan and prior to preparing or
29 revising its safety element, each city and county shall consult the
30 Division of Mines and Geology of the Department of Conservation
31 and the Office of Emergency Services for the purpose of including
32 information known by and available to the department and the
33 office required by this subdivision.

34 To the extent that a county's safety element is sufficiently
35 detailed and contains appropriate policies and programs for
36 adoption by a city, a city may adopt that portion of the county's
37 safety element that pertains to the city's planning area in
38 satisfaction of the requirement imposed by this subdivision.

39 At least 45 days prior to adoption or amendment of the safety
40 element, each county and city shall submit to the Division of Mines



1 and Geology of the Department of Conservation one copy of a
2 draft of the safety element or amendment and any technical studies
3 used for developing the safety element. The division may review
4 drafts submitted to it to determine whether they incorporate known
5 seismic and other geologic hazard information, and report its
6 findings to the planning agency within 30 days of receipt of the
7 draft of the safety element or amendment pursuant to this
8 subdivision. The legislative body shall consider the division's
9 findings prior to final adoption of the safety element or
10 amendment unless the division's findings are not available within
11 the above prescribed time limits or unless the division has
12 indicated to the city or county that the division will not review the
13 safety element. If the division's findings are not available within
14 those prescribed time limits, the legislative body may take the
15 division's findings into consideration at the time it considers future
16 amendments to the safety element. Each county and city shall
17 provide the division with a copy of its adopted safety element or
18 amendments. The division may review adopted safety elements or
19 amendments and report its findings. All findings made by the
20 division shall be advisory to the planning agency and legislative
21 body.

22 SEC. 4. Section 65302.3 of the Government Code is amended
23 to read:

24 65302.3. (a) The general plan, and any applicable specific
25 plan prepared pursuant to Article 8 (commencing with Section
26 65450), shall be consistent with the plan adopted or amended
27 pursuant to Section 21675 of the Public Utilities Code.

28 (b) The general plan, and any applicable specific plan, shall be
29 amended, as necessary, within 180 days of any amendment to the
30 plan required under Section 21675 of the Public Utilities Code.

31 (c) If the legislative body does not concur with any provision
32 of the plan required under Section 21675 of the Public Utilities
33 Code, it may satisfy the provisions of this section by adopting
34 findings pursuant to Section 21676 of the Public Utilities Code.

35 (d) In each county where an airport land use commission does
36 not exist, but where there is a military airport, the general plan, and
37 any applicable specific plan prepared pursuant to Article 8
38 (commencing with Section 65450), shall be consistent with the
39 safety and noise standards in the Air Installation Compatible Use
40 Zone prepared for that military airport.



1 SEC. 5. Section 65560 of the Government Code is amended
2 to read:

3 65560. (a) “Local open-space plan” is the open-space
4 element of a county or city general plan adopted by the board or
5 council, either as the local open-space plan or as the interim local
6 open-space plan adopted pursuant to Section 65563.

7 (b) “Open-space land” is any parcel or area of land or water
8 that is essentially unimproved and devoted to an open-space use
9 as defined in this section, and that is designated on a local, regional
10 or state open-space plan as any of the following:

11 (1) Open space for the preservation of natural resources
12 including, but not limited to, areas required for the preservation of
13 plant and animal life, including habitat for fish and wildlife
14 species; areas required for ecologic and other scientific study
15 purposes; rivers, streams, bays and estuaries; areas adjacent to
16 military installations, military training routes, and restricted
17 airspace that can provide additional buffer zones to military
18 activities and complement the resource values of the military
19 lands; and coastal beaches, lakeshores, banks of rivers and
20 streams, and watershed lands.

21 (2) Open space used for the managed production of resources,
22 including but not limited to, forest lands, rangeland, agricultural
23 lands and areas of economic importance for the production of food
24 or fiber; areas required for recharge of ground water basins; bays,
25 estuaries, marshes, rivers and streams which are important for the
26 management of commercial fisheries; and areas containing major
27 mineral deposits, including those in short supply.

28 (3) Open space for outdoor recreation, including but not
29 limited to, areas of outstanding scenic, historic and cultural value;
30 areas particularly suited for park and recreation purposes,
31 including access to lakeshores, beaches, and rivers and streams;
32 and areas which serve as links between major recreation and
33 open-space reservations, including utility easements, banks of
34 rivers and streams, trails, and scenic highway corridors.

35 (4) Open space for public health and safety, including, but not
36 limited to, areas which require special management or regulation
37 because of hazardous or special conditions such as earthquake
38 fault zones, unstable soil areas, flood plains, watersheds, areas
39 presenting high fire risks, areas required for the protection of water



1 quality and water reservoirs and areas required for the protection
2 and enhancement of air quality.

3 SEC. 6. Section 65583 of the Government Code is amended
4 to read:

5 65583. The housing element shall consist of an identification
6 and analysis of existing and projected housing needs and a
7 statement of goals, policies, quantified objectives, financial
8 resources, and scheduled programs for the preservation,
9 improvement, and development of housing. The housing element
10 shall identify adequate sites for housing, including rental housing,
11 factory-built housing, and mobilehomes, and shall make adequate
12 provision for the existing and projected needs of all economic
13 segments of the community. The element shall contain all of the
14 following:

15 (a) An assessment of housing needs and an inventory of
16 resources and constraints relevant to the meeting of these needs.
17 The assessment and inventory shall include all of the following:

18 (1) An analysis of population and employment trends and
19 documentation of projections and a quantification of the locality's
20 existing and projected housing needs for all income levels. These
21 existing and projected needs shall include the locality's share of the
22 regional housing need in accordance with Section 65584.

23 (2) An analysis and documentation of household
24 characteristics, including level of payment compared to ability to
25 pay, housing characteristics, including overcrowding, and housing
26 stock condition.

27 (3) An inventory of land suitable for residential development,
28 including vacant sites and sites having potential for
29 redevelopment, and an analysis of the relationship of zoning and
30 public facilities and services to these sites.

31 (4) An analysis of potential and actual governmental
32 constraints upon the maintenance, improvement, or development
33 of housing for all income levels and for persons with disabilities
34 as identified in the analysis pursuant to paragraph (6), including
35 land use controls, building codes and their enforcement, site
36 improvements, fees and other exactions required of developers,
37 and local processing and permit procedures. The analysis shall also
38 demonstrate local efforts to remove governmental constraints that
39 hinder the locality from meeting its share of the regional housing
40 need in accordance with Section 65584 and from meeting the need



1 for housing for persons with disabilities identified pursuant to
2 paragraph (6).

3 (5) An analysis of potential and actual nongovernmental
4 constraints upon the maintenance, improvement, or development
5 of housing for all income levels, including the availability of
6 financing, the price of land, and the cost of construction.

7 (6) An analysis of any special housing needs, such as those of
8 the elderly, persons with disabilities, large families, farmworkers,
9 families with female heads of households, and families and
10 persons in need of emergency shelter.

11 (7) An analysis of opportunities for energy conservation with
12 respect to residential development.

13 (8) An analysis of existing assisted housing developments that
14 are eligible to change from low-income housing uses during the
15 next 10 years due to termination of subsidy contracts, mortgage
16 prepayment, or expiration of restrictions on use. “Assisted
17 housing developments,” for the purpose of this section, shall mean
18 multifamily rental housing that receives governmental assistance
19 under federal programs listed in subdivision (a) of Section
20 65863.10, state and local multifamily revenue bond programs,
21 local redevelopment programs, the federal Community
22 Development Block Grant Program, or local in-lieu fees.
23 “Assisted housing developments” shall also include multifamily
24 rental units that were developed pursuant to a local inclusionary
25 housing program or used to qualify for a density bonus pursuant
26 to Section 65916.

27 (A) The analysis shall include a listing of each development by
28 project name and address, the type of governmental assistance
29 received, the earliest possible date of change from low-income use
30 and the total number of elderly and nonelderly units that could be
31 lost from the locality’s low-income housing stock in each year
32 during the 10-year period. For purposes of state and federally
33 funded projects, the analysis required by this subparagraph need
34 only contain information available on a statewide basis.

35 (B) The analysis shall estimate the total cost of producing new
36 rental housing that is comparable in size and rent levels, to replace
37 the units that could change from low-income use, and an estimated
38 cost of preserving the assisted housing developments. This cost
39 analysis for replacement housing may be done aggregately for



1 each five-year period and does not have to contain a
2 project-by-project cost estimate.

3 (C) The analysis shall identify public and private nonprofit
4 corporations known to the local government which have legal and
5 managerial capacity to acquire and manage these housing
6 developments.

7 (D) The analysis shall identify and consider the use of all
8 federal, state, and local financing and subsidy programs which can
9 be used to preserve, for lower income households, the assisted
10 housing developments, identified in this paragraph, including, but
11 not limited to, federal Community Development Block Grant
12 Program funds, tax increment funds received by a redevelopment
13 agency of the community, and administrative fees received by a
14 housing authority operating within the community. In considering
15 the use of these financing and subsidy programs, the analysis shall
16 identify the amounts of funds under each available program which
17 have not been legally obligated for other purposes and which could
18 be available for use in preserving assisted housing developments.

19 (b) (1) A statement of the community's goals, quantified
20 objectives, and policies relative to the maintenance, preservation,
21 improvement, and development of housing.

22 (2) It is recognized that the total housing needs identified
23 pursuant to subdivision (a) may exceed available resources and the
24 community's ability to satisfy this need within the content of the
25 general plan requirements outlined in Article 5 (commencing with
26 Section 65300). Under these circumstances, the quantified
27 objectives need not be identical to the total housing needs. The
28 quantified objectives shall establish the maximum number of
29 housing units by income category that can be constructed,
30 rehabilitated, and conserved over a five-year time period.

31 (c) A program which sets forth a five-year schedule of actions
32 the local government is undertaking or intends to undertake to
33 implement the policies and achieve the goals and objectives of the
34 housing element through the administration of land use and
35 development controls, provision of regulatory concessions and
36 incentives, and the utilization of appropriate federal and state
37 financing and subsidy programs when available and the utilization
38 of moneys in a low- and moderate-income housing fund of an
39 agency if the locality has established a redevelopment project area
40 pursuant to the Community Redevelopment Law (Division 24



1 (commencing with Section 33000) of the Health and Safety Code).
2 In order to make adequate provision for the housing needs of all
3 economic segments of the community, the program shall do all of
4 the following:

5 (1) (A) Identify adequate sites which will be made available
6 through appropriate zoning and development standards and with
7 services and facilities, including sewage collection and treatment,
8 domestic water supply, and septic tanks and wells, needed to
9 facilitate and encourage the development of a variety of types of
10 housing for all income levels, including multifamily rental
11 housing, factory-built housing, mobilehomes, housing for
12 agricultural employees, emergency shelters, and transitional
13 housing in order to meet the community's housing goals as
14 identified in subdivision (b).

15 (i) Where the inventory of sites, pursuant to paragraph (3) of
16 subdivision (a), does not identify adequate sites to accommodate
17 the need for groups of all household income levels pursuant to
18 Section 65584, the program shall provide for sufficient sites with
19 zoning that permits owner-occupied and rental multifamily
20 residential use by right, including density and development
21 standards that could accommodate and facilitate the feasibility of
22 housing for very low and low-income households.

23 (ii) Where the inventory of sites pursuant to paragraph (3) of
24 subdivision (a) does not identify adequate sites to accommodate
25 the need for farmworker housing, the program shall provide for
26 sufficient sites to meet the need with zoning that permits
27 farmworker housing use by right, including density and
28 development standards that could accommodate and facilitate the
29 feasibility of the development of farmworker housing for low- and
30 very low income households.

31 (B) For purposes of this paragraph, the phrase "use by right"
32 shall mean the use does not require a conditional use permit, except
33 when the proposed project is a mixed-use project involving both
34 commercial or industrial uses and residential uses. Use by right for
35 all rental multifamily residential housing shall be provided in
36 accordance with subdivision (f) of Section 65589.5.

37 (C) The requirements of this subdivision regarding
38 identification of sites for farmworker housing shall apply
39 commencing with the next revision of housing elements required
40 by Section 65588 following the enactment of this subparagraph.



1 (2) Assist in the development of adequate housing to meet the
2 needs of low- and moderate-income households.

3 (3) Address and, where appropriate and legally possible,
4 remove governmental constraints to the maintenance,
5 improvement, and development of housing, including housing for
6 all income levels and housing for persons with disabilities. The
7 program shall remove constraints to, or provide reasonable
8 accommodations for housing designed for, intended for
9 occupancy by, or with supportive services for, persons with
10 disabilities.

11 (4) Conserve and improve the condition of the existing
12 affordable housing stock, which may include addressing ways to
13 mitigate the loss of dwelling units demolished by public or private
14 action.

15 (5) Promote housing opportunities for all persons regardless of
16 race, religion, sex, marital status, ancestry, national origin, color,
17 familial status, or disability.

18 (6) (A) Preserve for lower income households the assisted
19 housing developments identified pursuant to paragraph (8) of
20 subdivision (a). The program for preservation of the assisted
21 housing developments shall utilize, to the extent necessary, all
22 available federal, state, and local financing and subsidy programs
23 identified in paragraph (8) of subdivision (a), except where a
24 community has other urgent needs for which alternative funding
25 sources are not available. The program may include strategies that
26 involve local regulation and technical assistance.

27 (B) The program shall include an identification of the agencies
28 and officials responsible for the implementation of the various
29 actions and the means by which consistency will be achieved with
30 other general plan elements and community goals. The local
31 government shall make a diligent effort to achieve public
32 participation of all economic segments of the community in the
33 development of the housing element, and the program shall
34 describe this effort.

35 (d) The analysis and program for preserving assisted housing
36 developments required by the amendments to this section enacted
37 by the Statutes of 1989 shall be adopted as an amendment to the
38 housing element by July 1, 1992.

39 (e) Failure of the department to review and report its findings
40 pursuant to Section 65585 to the local government between July



1 1, 1992, and the next periodic review and revision required by
2 Section 65588, concerning the housing element amendment
3 required by the amendments to this section by the Statutes of 1989,
4 shall not be used as a basis for allocation or denial of any housing
5 assistance administered pursuant to Part 2 (commencing with
6 Section 50400) of Division 31 of the Health and Safety Code.

7 ~~SEC. 7. Section 65584 of the Government Code is amended~~
8 ~~to read:~~

9 ~~65584. (a) (1) For the purposes of subdivision (a) of Section~~
10 ~~65583, the share of a city or county of the regional housing needs~~
11 ~~includes that share of the housing need of persons at all income~~
12 ~~levels within the area significantly affected by a general plan of the~~
13 ~~city or county.~~

14 ~~(2) The distribution of regional housing needs shall, based~~
15 ~~upon available data, take into consideration market demand for~~
16 ~~housing, employment opportunities, the availability of suitable~~
17 ~~sites and public facilities, commuting patterns, type and tenure of~~
18 ~~housing need, the loss of units contained in assisted housing~~
19 ~~developments, as defined in paragraph (8) of subdivision (a) of~~
20 ~~Section 65583, that changed to non-low-income use through~~
21 ~~mortgage prepayment, subsidy contract expirations, or~~
22 ~~termination of use restrictions, and the housing needs of~~
23 ~~farmworkers. The distribution shall seek to reduce the~~
24 ~~concentration of lower income households in cities or counties that~~
25 ~~already have disproportionately high proportions of lower income~~
26 ~~households.~~

27 ~~(3) Based upon population projections produced by the~~
28 ~~Department of Finance and regional population forecasts used in~~
29 ~~preparing regional transportation plans, and in consultation with~~
30 ~~each council of governments, the Department of Housing and~~
31 ~~Community Development shall determine the regional share of the~~
32 ~~statewide housing need at least two years prior to the second~~
33 ~~revision, and all subsequent revisions as required pursuant to~~
34 ~~Section 65588.~~

35 ~~(4) Based upon data provided by the department relative to the~~
36 ~~statewide need for housing, each council of governments shall~~
37 ~~determine the existing and projected housing need for its region.~~
38 ~~Within 30 days following notification of this determination, the~~
39 ~~department shall ensure that this determination is consistent with~~
40 ~~the statewide housing need. The department may revise the~~



1 determination of the council of governments if necessary to obtain
2 this consistency. The appropriate council of governments shall
3 determine the share for each city or county consistent with the
4 criteria of this subdivision and with the advice of the department
5 subject to the procedure established pursuant to subdivision (c) at
6 least one year prior to the second revision, and at five-year
7 intervals following the second revision pursuant to Section 65588.
8 The council of governments shall submit to the department
9 information regarding the assumptions and methodology to be
10 used in allocating the regional housing need. As part of the
11 allocation of the regional housing need, the council of
12 governments, or the department pursuant to subdivision (b), shall
13 provide each city and county with data describing the assumptions
14 and methodology used in calculating its share of the regional
15 housing need. The department shall submit to each council of
16 governments information regarding the assumptions and
17 methodology to be used in allocating the regional share of the
18 statewide housing need. As part of its determination of the regional
19 share of the statewide housing need, the department shall provide
20 each council of governments with data describing the assumptions
21 and methodology used in calculating its share of the statewide
22 housing need. The councils of governments shall provide each city
23 and county with the department's information.

24 (5) The council of governments shall provide a subregion with
25 its share of the regional housing need, and delegate responsibility
26 for providing allocations to cities and a county or counties in the
27 subregion to a subregional entity if this responsibility is requested
28 by a county and all cities in the county, a joint powers authority
29 established pursuant to Chapter 5 (commencing with Section
30 6500) of Division 7 of Title 1, or the governing body of a
31 subregional agency established by the council of governments, in
32 accordance with an agreement entered into between the council of
33 governments and the subregional entity that sets forth the process,
34 timing, and other terms and conditions of that delegation of
35 responsibility.

36 (b) For areas with no council of governments, the department
37 shall determine housing market areas and define the regional
38 housing need for cities and counties within these areas pursuant to
39 the provisions for the distribution of regional housing needs in
40 subdivision (a). If the department determines that a city or county



1 possesses the capability and resources and has agreed to accept the
2 responsibility, with respect to its jurisdiction, for the identification
3 and determination of housing market areas and regional housing
4 needs, the department shall delegate this responsibility to the cities
5 and counties within these areas:

6 ~~(e) (1) Within 90 days following a determination of a council
7 of governments pursuant to subdivision (a), or the department's
8 determination pursuant to subdivision (b), a city or county may
9 propose to revise the determination of its share of the regional
10 housing need in accordance with the considerations set forth in
11 subdivision (a). The proposed revised share shall be based upon
12 available data and accepted planning methodology, and supported
13 by adequate documentation.~~

14 ~~(2) Within 60 days after the time period for the revision by the
15 city or county, the council of governments or the department, as
16 the case may be, shall accept the proposed revision, modify its
17 earlier determination, or indicate, based upon available data and
18 accepted planning methodology, why the proposed revision is
19 inconsistent with the regional housing need.~~

20 ~~(A) If the council of governments or the department, as the case
21 may be, does not accept the proposed revision, then the city or
22 county shall have the right to request a public hearing to review the
23 determination within 30 days.~~

24 ~~(B) The city or county shall be notified within 30 days by
25 certified mail, return receipt requested, of at least one public
26 hearing regarding the determination.~~

27 ~~(C) The date of the hearing shall be at least 30 days from the
28 date of the notification.~~

29 ~~(D) Before making its final determination, the council of
30 governments or the department, as the case may be, shall consider
31 comments, recommendations, available data, accepted planning
32 methodology, and local geological and topographical restraints on
33 the production of housing.~~

34 ~~(3) If the council of governments or the department accepts the
35 proposed revision or modifies its earlier determination, the city or
36 county shall use that share. If the council of governments or the
37 department grants a revised allocation pursuant to paragraph (1),
38 the council of governments or the department shall ensure that the
39 current total housing need is maintained. If the council of
40 governments or the department indicates that the proposed~~



1 ~~revision is inconsistent with the regional housing need, the city or~~
2 ~~county shall use the share that was originally determined by the~~
3 ~~council of governments or the department.~~

4 ~~(4) The determination of the council of governments or the~~
5 ~~department, as the case may be, shall be subject to judicial review~~
6 ~~pursuant to Section 1094.5 of the Code of Civil Procedure.~~

7 ~~(5) The council of governments or the department shall reduce~~
8 ~~the share of regional housing needs of a county if all of the~~
9 ~~following conditions are met:~~

10 ~~(A) One or more cities within the county agree to increase its~~
11 ~~share or their shares in an amount that will make up for the~~
12 ~~reduction.~~

13 ~~(B) The transfer of shares shall only occur between a county~~
14 ~~and cities within that county.~~

15 ~~(C) The county's share of low-income and very low income~~
16 ~~housing shall be reduced only in proportion to the amount by~~
17 ~~which the county's share of moderate- and above~~
18 ~~moderate-income housing is reduced.~~

19 ~~(D) The council of governments or the department, whichever~~
20 ~~assigned the county's share, shall have authority over the approval~~
21 ~~of the proposed reduction, taking into consideration the criteria of~~
22 ~~subdivision (a).~~

23 ~~(6) The housing element shall contain an analysis of the factors~~
24 ~~and circumstances, with all supporting data, justifying the~~
25 ~~revision. All materials and data used to justify any revision shall~~
26 ~~be made available upon request by any interested party within~~
27 ~~seven days upon payment of reasonable costs of reproduction~~
28 ~~unless the costs are waived due to economic hardship.~~

29 ~~(d) (1) Except as provided in paragraph (2), any ordinance,~~
30 ~~policy, or standard of a city or county that directly limits, by~~
31 ~~number, the building permits that may be issued for residential~~
32 ~~construction, or limits for a set period of time the number of~~
33 ~~buildable lots that may be developed for residential purposes, shall~~
34 ~~not be a justification for a determination or a reduction in the share~~
35 ~~of a city or county of the regional housing need.~~

36 ~~(2) Paragraph (1) does not apply to any city or county that~~
37 ~~imposes a moratorium on residential construction for a specified~~
38 ~~period of time in order to preserve and protect the public health and~~
39 ~~safety. If a moratorium is in effect, the city or county shall, prior~~
40 ~~to a revision pursuant to subdivision (c), adopt findings that~~



1 ~~specifically describe the threat to the public health and safety and~~
2 ~~the reasons why construction of the number of units specified as~~
3 ~~its share of the regional housing need would prevent the mitigation~~
4 ~~of that threat.~~

5 ~~(e) Any authority to review and revise the share of a city or~~
6 ~~county of the regional housing need granted under this section~~
7 ~~shall not constitute authority to revise, approve, or disapprove the~~
8 ~~manner in which the share of the city or county of the regional~~
9 ~~housing need is implemented through its housing program.~~

10 ~~(f) A fee may be charged to interested parties for any additional~~
11 ~~costs caused by the amendments made to subdivision (e) by~~
12 ~~Chapter 1684 of the Statutes of 1984 reducing from 45 to 7 days~~
13 ~~the time within which materials and data shall be made available~~
14 ~~to interested parties.~~

15 ~~(g) In preparing its population projections pursuant to~~
16 ~~paragraph (4) of subdivision (a), the Department of Finance shall~~
17 ~~do both of the following:~~

18 ~~(1) Seek data from military installations on housing demand~~
19 ~~for active duty members of the Armed Forces beyond the~~
20 ~~inventory of housing maintained by the installation.~~

21 ~~(2) Incorporate that housing demand data into population~~
22 ~~projections provided for use in the housing element of a city or~~
23 ~~county general plan.~~

24 ~~(h) Determinations made by the department, a council of~~
25 ~~governments, or a city or county pursuant to this section are~~
26 ~~exempt from the California Environmental Quality Act, Division~~
27 ~~13 (commencing with Section 21000) of the Public Resources~~
28 ~~Code.~~

29 ~~SEC. 7.5.—~~

30 ~~SEC. 7.~~ Section 21675 of the Public Utilities Code is amended
31 to read:

32 21675. (a) Each commission shall formulate a
33 comprehensive land use plan that will provide for the orderly
34 growth of each public airport and the area surrounding the airport
35 within the jurisdiction of the commission, and will safeguard the
36 general welfare of the inhabitants within the vicinity of the airport
37 and the public in general. The commission plan shall include and
38 shall be based on a long-range master plan or an airport layout
39 plan, as determined by the Division of Aeronautics of the
40 Department of Transportation, that reflects the anticipated growth



1 of the airport during at least the next 20 years. In formulating a land
2 use plan, the commission may develop height restrictions on
3 buildings, specify use of land, and determine building standards,
4 including soundproofing adjacent to airports, within the planning
5 area. The comprehensive land use plan shall be reviewed as often
6 as necessary in order to accomplish its purposes, but shall not be
7 amended more than once in any calendar year.

8 (b) The commission shall include, within its plan formulated
9 pursuant to subdivision (a), the area within the jurisdiction of the
10 commission surrounding any military airport for all of the
11 purposes specified in subdivision (a). The plan shall be consistent
12 with the safety and noise standards in the Air Installation
13 Compatible Use Zone prepared for that military airport. This
14 subdivision does not give the commission any jurisdiction or
15 authority over the territory or operations of any military airport.

16 (c) The planning boundaries shall be established by the
17 commission after hearing and consultation with the involved
18 agencies.

19 (d) The commission shall submit to the Division of
20 Aeronautics of the department one copy of the plan and each
21 amendment to the plan.

22 (e) If a comprehensive land use plan does not include the
23 matters required to be included pursuant to this article, the
24 Division of Aeronautics of the department shall notify the
25 commission responsible for the plan.

26 SEC. 8. (a) A city or county shall not be required to comply
27 with the amendments made by this act to Sections 65302, 65302.3,
28 65560, and 65583 of the Government Code, relating to military
29 readiness activities, military personnel, military airports, and
30 military installations, until both of the following occur:

31 (1) An agreement is entered into between the United States
32 Department of Defense or other federal agency and the State of
33 California, through the Governor's Office of Planning and
34 Research, for the federal government to fully reimburse all claims
35 approved by the Commission on State Mandates and paid by the
36 Controller that cities and counties would be eligible to file as a
37 result of the enactment of this act.

38 (2) The city or county undertakes its next general plan revision.

39 (b) The amendments made by this act to Sections 65302,
40 65302.2, 65560, and 65583 of the Government Code shall become



1 inoperative on the January 1 following the date that the Director
2 of Planning and Research executes a declaration stating that the
3 agreement described in paragraph (1) of subdivision (a) has been
4 terminated by either party.

5 SEC. 9. Notwithstanding Section 17610 of the Government
6 Code, if the Commission on State Mandates determines that this
7 act contains costs mandated by the state, reimbursement to local
8 agencies and school districts for those costs shall be made pursuant
9 to Part 7 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the claim for
11 reimbursement does not exceed one million dollars (\$1,000,000),
12 reimbursement shall be made from the State Mandates Claims
13 Fund.

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